

ZONING RESOLUTION NO. _____
(PLANNED DEVELOPMENT)

**A RESOLUTION APPROVING THE APPEAL OF SAIA MOTOR
FREIGHT, LLC TO OVERTURN THE DECISION OF THE MEMPHIS
AND SHELBY COUNTY LAND USE CONTROL BOARD REJECTING
SAIA'S APPLICATION FOR SITE PLAN REVIEW AS REQUIRED
UNDER CONDITION X OF THE RAINES ROAD P.U.D., P.D. 95-380.**

WHEREAS, on **July 31, 2018**, Saia Motor Freight LLC did file a Major Modification application with the Memphis and Shelby County Office of Planning and Development seeking approval of their site plan as required by the Outline Plan Conditions, X of the Raines Road P.U.D. Case Number P.D. 95-380; and

WHEREAS, mailed notice of the public hearing was sent out to all abutting and adjacent owners of property and public notice signs were posted as required by Section 9.3.4 of the Unified Development Code; and

WHEREAS, the Office of Planning and Development reviewed the application of SAIA Motor Freight LLC with particular attention to the requirements for Site Plan Review found in Conditions X and XI of the Raines Road P.U.D. Outline Plan and Section 4.10.5 of the Unified Development Code relating to Planned Commercial and Industrial Developments; and

WHEREAS, the Office of Planning and Development issued its recommendation of Approval with Conditions for the review and consideration of the Memphis and Shelby County Land Use Control Board at its **October 11, 2018** meeting; and

WHEREAS, the Memphis and Shelby County Land Use Control Board held a public hearing on the request of SAIA Motor Freight LLC for site plan review to establish and Motor Freight Terminal with service to the trucks and trailers on property identified in the Raines Road P.U.D. as Parcel B; and

WHEREAS, after hearing a presentation by the Memphis and Shelby County Office of Planning and Development, comments from representatives of the applicant and comments from interested persons who appeared in opposition to the request, the Memphis and Shelby County Land Use Control Board voted to reject the site plan application by SAIA Motor Freight LLC on a vote of three (3) in favor and six (6) against; and

WHEREAS, SAIA Motor Freight LLC, the appellant, has filed an appeal of the decision of the Memphis and Shelby County Land Use Control Board to the Memphis City Council requesting the Council to overturn the decision of the Board and approve the requested site plan as conditioned by the Memphis and Shelby County Office of Planning and Development

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEMPHIS:

Section 1. That the appeal of the appellant, SAIA Motor Freight, LLC, be granted and the action of the Memphis and Shelby County Land Use Control Board on 10/11/18 is overturned. The site plan for a Motor Freight Terminal facility with service within Parcel B of the Raines Road P.U.D. is hereby approved subject to the attached site plan and conditions as recommended by the Memphis and Shelby County Office of Planning and Development, which includes the amendments to said conditions proposed by the applicant and accepted by the City Council as a part of its approval during the final hearing on February 19, 2019.

Section 2. **BE IT FURTHER RESOLVED**, that the aforementioned site plan shall be filed with the Memphis and Shelby County Office of Planning and Development for processing as required under Chapter 9.6 of the Memphis and Shelby County Unified Development Code for Planned Development Final Plats.

ATTEST:

cc: Office of Construction Code Enforcement ✓
City Engineer ✓
OPD – LUC ✓
OPD – LUC (East) ✓

Attachments

P.D. 95-380

I hereby certify that the foregoing is a true copy
and document was adopted, approved by the
Council of the City of Memphis in regular
session on

FEB 19 2019

Date _____

Valerie C. Sripes
Deputy Comptroller-Council Records

Conditions

If Approved by the Memphis and Shelby County Land Use Control Board, the following additional uses shall apply to Area B:

Under Roman Numeral II, Bulk Regulations, immediately before the heading Parcel G add the following new conditions:

Operational Issues for Area B, if developed as a Truck or Motor Freight terminal, service facility

- 1. Regardless of the future use, maintain a 100-foot-wide buffer along the west side of Area B abutting the Christine Gardens Subdivision and along the north side abutting the Christine Road right of way.***
- 2. No overnight facilities for drivers including breakrooms, restrooms, or training rooms.***
- 3. Trucks shall include an "idle kill switch" that cuts off the engine if the truck idles more than 5 minutes.***
- 4. Applicant/developer/user intends to rotate fleet, trucks and equipment, every 5 years.***
- 5. Trucks/trailers shall not include back up beepers.***
- 6. Applicant is permitted to install a chain link fence with 3' strand barb wire. Said fence shall be located behind the required perimeter landscaping, unless another location is approved by OPD at Final Plan Review. Said chain link fence shall be vinyl coated, (green or black) to blend in with landscaping.***
- 6. Access to and from Area B for 18 -wheel (aka Tractor Trailer) vehicles shall be provided via Raines Road. Tchulahoma Road and Prescott Road shall not be included in the truck routes to be used by this applicant, or any industrial use of Area B. The tractor-trailers shall not continue any further west on Raines Road than New Tchulahoma Road.***

7. *Applicant shall provide a 16-foot-tall wall along the west and north boundary lines at the locations shown on the Noise Study, included as page 18 of the staff report prepared for this case, page 6 of 8 of the noise study. The wall may be made of concrete but will have the physical appearance of brick or stone as it faces the residential properties to the west or the Christine Road right of way. South of the residential property along the west property, the concrete wall will not be required to provide a brick or stone appearance.*

If the applicant can demonstrate by a follow up study, that retention of the existing material nearest the west and north property lines and the installation of an earth berm, 16 feet in height can achieve the same level of noise mitigation as the wall at the property line, that alternative can be considered.

8. *Whichever method of mitigation is determined to be appropriate by the OPD, said method shall be installed prior to the issuance of a Certificate of Occupancy.*
9. *The Final plat shall show the location of any existing and un-used curb cut along the site's section of Raines Road and Christine Road. Any unused curb cuts shall be closed with curb, gutter and sidewalk and shall meet the requirements of the ADA.*
10. *The streetscape treatment along Raines Road shall meet or exceed the requirements of the S-10 Plate.*
11. *The employee parking area shall meet the requirements for parking lot landscaping as required in the UDC at 4.5.5D and subject to review and approval by the OPD.*
12. *Landscaping in the area designated for truck parking may be required where there are pockets that can contain a tree or shrubs that are outside of the primary path of a tractor trailer truck, subject to the review of the OPD.*
13. *A lighting plan shall be required that demonstrates that a zero-candle foot rating is achieved at the property's west, where abutting existing residential, and north property lines.*
14. *Any attached or detached signs, other than directional signs or smalls signs designating a dock or stall, shall be oriented to Raines Road and regulated by the EMP district unless further limited in this P.D.*

15. *Explain to the satisfaction of the OPD how the detention basin and the landscape buffer area (near north property line can co-exist) or move the detention basin.*
16. *Add Sky Cop Cameras on Christine and Raines Road and have on site security*
17. *Acoustic Barrier Walls as recommended by Senior Acoustical Consultant to meet maximum 60 dBA and will commit to testing to ensure 60 dB after opening. The applicant/SAIA shall post a \$25,000 bond that will be forfeit if at any point in time the noise decibel level exceeds 60 along the west and north property lines. The proceeds of the bond shall be dispersed by the district council representative.*
18. *The 100' existing vegetation buffer and berm to remain with barrier wall on top as recommended by Acoustical Consultant (increased from required 50') and fill in any gaps with Evergreen planting as part of the early stages of Construction and install a wooden fence between the Christine Gardens East property and SAIA property.*
19. *Work with City Engineering to see if a Round-About will work at Tchulahoma Road and Raines Road*
20. *No access to Tchulahoma Road. Design curb cut on Raines Road as a left out only.*
21. *All tractors shall have cameras and GPS.*
22. *No access to Christine Road, applicant shall convey the right of access to the City of Memphis.*
23. *Tractors shall have idle kill switch after 5 minutes and have back up beepers off while on site.*
24. *The lighting shall be LED and have zero-candle foot rating on west and north property lines where abutting residential.*